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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,711	07/15/2003	Hideki Kobayashi	Q76339	4933
23373 7590 09/13/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GOMA, TAWFIK A	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/618,711	KOBAYASHI, HIDEKI	
	Examiner	Art Unit	
	Tawfik Goma	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on 6/5/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu et al (US 5177729) in view of Kuwabara (US 557644) and further in view of Maegawa et al (US 6345018).

Regarding claim 1, Muramatsu discloses an information recording/reproducing apparatus for reproducing comprising: a demodulator for performing a demodulation processing on a read signal read from said recording medium corresponding to each of the modulation schemes to generate a data signal for each demodulation processing (7, fig. 1 and 8 fig. 1); an error corrector for performing error correction processing on each of the data signals to generate a corrected data signal corresponding to each of the data signals (11, 12, fig. 1); and an output part for selectively outputting the corrected data signal corresponding to the data signal having the lowest error ratio among the data signals as a reproduced data (13, fig. 1). Muramatsu fails to disclose wherein the data signal is demodulated using different modulation schemes. In the same field of endeavor, Kuwabara discloses demodulating data with different demodulating schemes (4, 6 fig. 4 and col. 8 lines 57-67 through col. 9 lines 1-8). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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recording apparatus disclosed by Muramatsu with the address demodulators that correspond to different modulation schemes as taught by Kuwabara. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated reproduce data with demodulator's that correspond to modulation schemes of the recorded data in order to select the correct demodulating scheme for data that is modulated with multiple modulations schemes quickly (see Kuwabara col. 1 lines 33-38).

Further in regard to claim 1, Muramatsu in view of Kuwabara fail to disclose wherein the data signal is address data. In the same field of endeavor, Maegawa discloses the use of different modulation schemes to modulate address data (col. 1 lines 25-38). It would have been obvious to one of ordinary skill in the art to apply the device disclosed by Muramatsu and Kuwabara to address data as it would have been a known technique that is used to improve the selection of a modulation scheme quickly during reproduction of data.

Regarding claim 2, Muramatsu further discloses an information recording/reproducing apparatus according further comprising: an error detector for performing error detection processing on each of the data signals to generate an error detection result signal including an error ratio of each of said data signals (col. 3 lines 61-66), and information indicating whether or not each of the data signals can be corrected by said error corrector (EP pointer information, col. 3 lines 65-67 thru col. 4 lines 1-7), wherein said an output part includes: a determining part for determining based on the error detection result signal an data signal which is correctable and has the lowest error ratio from said address data signals (col. 4 lines 12-16 and 13, fig. 1); and a selector for selecting a corrected data signal corresponding to the address data signal determined by said determining part from said corrected data signals to output the corrected address data

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signal selected thereby as the reproduced data (13, fig. 1, fig. 4 and col. 3 lines 66-68 thru col. 8 lines 1-7 and col. 4 lines 12-15). It would have been obvious for the data to be address data as taught by Maegawa for the same reasons as in claim 1.

Method claims 5 and 6 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 2. Therefore method claims 5 and 6 correspond to apparatus claims 1 and 2 and are rejected for the same reasons of obviousness applied above.

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 5-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tawfik Goma/
8/28/2007

/William R. Korzuch/

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